

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
Wolfgang VON DEYN et al.

Serial No.: 09/748,006

Patent No.: 7,232,792 B2

Filed: December 27, 2000

Issued: June 19, 2007

For: 3-HETEROCYCLYL-SUBSTITUTED
BENZOYL DERIVATIVES

**REQUEST FOR CERTIFICATE OF CORRECTION
TO INSERT INADVERTANTLY OMITTED PRIORITY INFORMATION
BASED ON PROPER, TIMELY CLAIM FOR PRIORITY BENEFIT IN RECORD
PURSUANT TO 37 CFR 1.323**

Attention: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Upon reviewing the above-identified patent, Patentee noted an error of omission which should be corrected. It is requested that the inadvertently omitted priority information for the above-identified patent be added as described beginning at the top of the next page.

Requested Insertion of Priority Information

On the front page, left column, of the above-identified patent, after:

“(65) Prior Publication Data

US 2002/0025910 A1 Feb. 28, 2002”

Insert:

--(62) Related U.S. Application Data

Continuation of application No. 09/091,300
filed as application No. PCT/EP98/00069 on
Jan. 8, 1998.

(30) Foreign Application Priority Data

Jan. 17, 1997 (DE).....197 01 446--

At column 1, before line 6, insert:

--The present application is a Continuation of U.S.
application Ser. No. 09/091,300 filed Jun. 16, 1998
which in turn claims priority of International
Application No. PCT/EP98/00069 filed on Jan. 8,
1998.--

Priority Claim Was Timely Made and All Related Priority Data Was of Record

It is respectfully submitted a completely proper claim for the benefit of priority information regarding the above-identified patent was submitted with the filing of the corresponding application (also identified above) on December 27, 2000. Attached as Exhibit A is the “Declaration, Power of Attorney” form filed with this application claiming the benefit of priority to both: [1] PCT/EP98/00069 filed January 8, 1998; and [2] German Priority Application No. 197 01 446.1 filed January 17, 1997 in Germany. Attached as Exhibit B is the “Transmittal Form” filed together with Exhibit A which properly identifies the above-identified application as a “Continuation Application” of Parent Application Serial No. 09/091,300.

In view of the above-described documents, i.e. Exhibits A and B, it is clear from the prosecution record of the above-identified patent that a proper and timely claim to the benefit of

priority was made with the filing of the above-identified application on December 27, 2000 relating to all of the above PCT application, German Priority Application and Parent Application. It is the priority information for all of these prior applications that should be inserted into the present patent as requested above.

It is further submitted that the above evidence in the prosecution record satisfies applicable requirements noted in MPEP 1481.03 with respect to making reference to a prior copending application under 37 CFR 1.78(a)(2) as follows:

- (A) all requirements set forth in 37 CFR 1.78(a)(1) have been met for claiming priority properly as evidenced by the above-discussed prosecution record of the above-identified patent in need of correction;
- (B) it is clear from the record of the prosecution record of the above-identified patent that priority is appropriate with respect to proper references to prior applications under MPEP 201.11;
- (C) the Patentee has submitted together with this request for Certificate of Correction, copies of documentation showing information needed to make it clear from the record that the 35 U.S.C. 120 priority is appropriate as to the requirements for 35 U.S.C. 120 priority based on an international PCT application consistent with MPEP 201.13(b); and
- (D) a petition to accept an unintentionally delayed claim for the benefit of a prior application under 37 CFR 1.78(a)(3) is clearly not required in the present situation, since the claim for benefit of priority was properly and timely made with the filing of the application on December 27, 2000 as noted above.

In addition to the above, a review of the prosecution record for the above-identified patent indicates that Applicant did not file any documents or take any action which modified or reduced any claim to priority for all of these prior applications. It is also noted that the correct priority information was indeed printed on the face of U.S. Patent No. 7,608,564 which was a Divisional Application filed April 25, 2007 of the above-identified patent.

Therefore, it is submitted that a completely proper claim for the benefit of priority of all of the above-noted prior applications was timely filed and that all of this information was inadvertently omitted upon the printing of the above-identified patent.

The error was found in the application as filed by applicant. Please charge our Deposit Account No. 02-2448 in the amount of \$100.00 covering the fee set forth in 37 CFR 1.20(a).

The error now sought to be corrected is an inadvertent typographical error the correction of which does not involve new matter or require reexamination.

If any questions arise in the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

Dated: October 28, 2009

Respectfully submitted,


By 
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Exhibit A -- Declaration and Power of Attorney filed Dec. 27, 2000
Exhibit B -- Transmittal Form for filing Continuation Application filed Dec. 27, 2000
Certificate of Correction Form PTO/SB/44

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,232,792 B2
APPLICATION NO. : 09/748,006
ISSUE DATE : June 19, 2007
INVENTOR(S) : Wolfgang VON DEYN et al.

It is certified that errors of omission appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

** On the front page, left column, of the above-identified patent, after:

"(65) **Prior Publication Data**

US 2002/0025910 A1 Feb. 28, 2002"

Insert:

--(62) **Related U.S. Application Data**

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as application No. PCT/EP98/00069 on Jan. 8,
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(30) **Foreign Application Priority Data**

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application Ser. No. 09/091,300 filed Jun. 16, 1998
which in turn claims priority of International Application
No. PCT/EP98/00069 filed on Jan. 8, 1998.--**

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ADM//mao